

# **CITY OF LEWISTON**

**CITY COUNCIL**

**JUNE 3, 2008**

## **REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.**

PRESENT: Mayor Gilbert, Councilors T. Peters, N. Peters, Poulin, Theriault, Bailey, Reed, City Administrator James Bennett, and City Clerk Kathleen Montejo. Absent/Excused: Councilor Dube

Pledge of Allegiance to the Flag.  
Moment of Silence.

### **LEWISTON YOUTH ADVISORY COUNCIL UPDATE**

Certificates of service were presented to the five LYAC high school seniors honoring and recognizing them for their work with LYAC - Jeffrey Lewandowski, Hossain Naji, Jenni Golletti, Ashley Morgan and Sara Fabrizio. Luke Jenson reported the message board was installed today and the high school staff will update the messages. He noted that recycling is their next main project. Luke said that DVD copies of their film Smashed are available for purchase and that Fox TV is looking for a sponsor so they can run the film on their channel.

### **VOTE (153-2008)**

Motion by Councilor T. Peters, seconded by Councilor Theriault:

To dispense with the reading of the minutes of the meeting of May 20, 2008 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 6-0

### **BIENNIAL APPOINTMENT OF ELECTION WORKERS AND AUTHORIZATION FOR THE MUNICIPAL CLERK TO HIRE NON-LEWISTON VOTERS TO SERVE AS ELECTION WORKERS FOR THE JUNE 2008 ELECTION ONLY**

Mayor Gilbert recused himself from this item, noting he is a candidate for office in the June primary election.

### **VOTE (154-2008)**

Motion by Councilor T. Peters, seconded by Councilor Theriault:

To approve the list of election workers as presented by the City Clerk for the 2008-2010 biennial year and to authorize the City Clerk to hire non-Lewiston voters to serve as election clerks for the June 10 election if all available options to hire Lewiston voters have been exhausted.  
Passed - Vote 6-0

### **ADOPTION OF MEETING SCHEDULE FOR THE MONTHS OF JULY AND AUGUST**

### **VOTE (155-2008)**

Motion by Councilor T. Peters, seconded by Councilor Theriault:

To suspend Section 1,(a) of the Rules Governing the City Council, and to only hold one regular meeting during the month of July, said meeting to be held on Tuesday, July 15<sup>th</sup> at 7:00pm and to hold only one regular meeting during the month of August, said meeting to be held on Tuesday, August 12<sup>th</sup> at 7:00pm. Passed - Vote 6-0

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENTS  
REGARDING CHANGEABLE MESSAGE SIGNS**

The City Administrator noted there are two main changes to the sign ordinance in these amendments - to change the time from five seconds to two seconds for each message display and to allow pictures in the messages rather than just text. Councilor Theriault stated that he initiated these changes, saying he was told of discrepancies in the state law and city code regarding this issue and wanted there to be consistency. Councilor T. Peters said there were major changes to the state law regarding this topic in 2005 and he feels that the city ordinances are fine without these new changes.

Mayor Gilbert opened the public hearing to receive citizen input and comment. Paul Lessard of Neokraft Signs said the new state law allows pictures and images to appear on the message boards and he urged the Council to adopt the amendment to allow for this locally as well. He also stated that messages that are shown for two seconds are safer because they are in the larger text to allow the viewer to read the information and messages at five second intervals tend to use smaller text and this is unsafe because the viewer takes longer to focus and read the message, thereby being distracted longer. Mr. Lessard stated the Federal Highway Safety Commission has declared that two to four second messages are the safest regarding transmission time. He noted the Planning Board voted unanimously to endorse this ordinance change and the changes are about safety rather than aesthetics. Mayor Gilbert then closed the hearing. Councilor Reed stated that perhaps a highway location is best for 2 seconds, but the message board sign will be on East Avenue in front of the high school which is fifteen mph, so he felt the five second interval is fine.

The motion for consideration before the Council is as follows:

That the proposed amendment to Appendix A, Article II "Definitions", Section 2 "Definitions" and Article XII "Performance Standards", Section 16, "Signs", of the City Zoning and Land Use Code, concerning requirements for changeable message signs, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting for final passage.

**VOTE (156-2008)**

Motion by Councilor T. Peters, seconded by Councilor Reed:

To postpone this item indefinitely. Passed - Vote 5-1 (Councilor Theriault opposed)

**PUBLIC HEARING AND FIRST PASSAGE FOR THE CONDITIONAL REZONING  
OF THE PROPERTY AT 21 ATWOOD STREET FROM NEIGHBORHOOD**

**CONSERVATION "A" (NCA) DISTRICT TO THE HIGHWAY BUSINESS  
(HB) DISTRICT**

Mayor Gilbert opened the public hearing to receive citizen input and comment. Bob Faunce introduced himself and stated he was hired to help the applicants with their rezoning request to the city for their water treatment business. The business receives large deliveries twelve times a year and they are located on Sabattus Street which has approximately 12,000 vehicles a day. The trucking delivery company told the applicants that it is unsafe for their drivers to be making these deliveries due to the traffic volume and they needed to find alternatives. It was noted that 21 Atwood Street is a vacant lot and it is used as a driveway for the business, so they are hoping to have the deliveries go through this location. Mr. Faunce said the delivery trucks would only turn right from the driveway and deliveries would be limited to twelve a year. He noted they can store some equipment at their location in Sabattus, but the property is up for sale and they are not sure how long they can use the site. Mr. Faunce noted the applicants live at the business location and it is a well maintained lot, he understands the neighbors want to protect the neighborhood but the Cotes want to maintain their business as well. They are located on Sabattus Street which is a commercial corridor with many businesses and trucks already. The use of 21 Atwood Street would be limited to use of the driveway only and the applicants would install an eight foot fence for screening. They are requesting less than what is currently allowed by ordinance.

Gil Arsenault, Director of Planning and Code Enforcement, reviewed the map and traffic flow issues in the area. Councilor T. Peters noted a master plan needs to be developed for the area, not just a piecemeal approach with each request.

Roger Goyette of 17 Atwood Street spoke against the rezoning, saying someone would need to monitor the property to make sure the driveway is only used for deliveries, and that there are twelve tractor trailer trucks a year that make deliveries, but there are many smaller trucks of different sizes making deliveries on a regular basis. He noted the applicants are not supposed to allow employee parking in the back, but they do and they have added additions to the property without the proper permits. He suggested the Council clarify what the applicants can and cannot do with their property so everyone knows what is allowed.

Dan Rioux of 22 Atwood Street said that Atwood Street is too narrow for these tractor trailer trucks and they will need to drive on his lawn to make the turns. He said if this is approved, it would be a disaster, noting that Garcelon Street is narrow as well. He asked if anyone considered the winter time and snow banks, making the roads even narrower.

Ann St. Pierre of 24 Garcelon Street said that due to traffic, residents of Garcelon Street need to go up Atwood Street to get to Sabattus Street because Garcelon Street is sometimes blocked with vehicles parking on the street from Griffith Associates.

Annemarie Caron, 14 Atwood Street, stated that Atwood Street is slowly caving in over the years and that the road may need to be reinforced to allow the tractor trailer trucks. She asked if

it is possible for the delivery trucks to obtain a permit from the Police Department once a month to block a lane on Sabattus Street while they unload the delivery.

Mr. Arsenault said that truck drivers do not want to stop on Sabattus Street for very long to make deliveries and that it is unsafe to use forklifts to unload with all of the traffic. Mr. Faunce noted that the tractor trailer trucks, if parked on Sabattus to unload deliveries, would end up blocking several driveways.

Steve Morgan, chairperson of the Planning Board, said that the Board voted 5-1 to support the rezoning, noting it took them several hours of questions and review to make their decision, which they felt was the lesser of two evils and looked at this issue from a safety point of view. He noted the trucks cannot back out onto Sabattus Street and that Atwood Street is safer.

Louise Goyette of 17 Atwood Street asked about the safety of the people who live on Atwood Street, noting it is a residential neighborhood with kids, bikes, pedestrians walking and so forth. She noted the applicants were not allowed to use the driveway in their current building, but they are using it anyway without the proper permits and it is not up to code.

Mayor Gilbert then closed the public hearing. Councilor T. Peters stated he served on the Planning Board for several years and is torn regarding this issue. He said that Sabattus Street needs to be a deeper/wider street due to the commercial activity on the road, but it shouldn't be done on a piecemeal basis. He noted that he wants to give consideration to the neighborhood concerns at Atwood and it is the Planning Board's job to look at the issue and decide accordingly. He does have concerns that not all of the issues have been thought of regarding this rezoning request. Councilor Reed said he is concerned with the potential of increased traffic on Atwood Street and he also wondered if the value of homes would drop as a result of this change. Councilor Theriault stated that he also served on the Planning Board and that rezoning issues are difficult, but he strives to be a protector of neighborhoods and these changes would negatively impact an existing neighborhood, noting that neighborhoods have just as much rights as businesses. Councilor Poulin echoed Councilor Theriault's comments and said that the proposal is simply too much in too tight quarters.

### **VOTE (157-2008)**

Motion by Councilor T. Peters, seconded by Councilor Bailey:

To approve first passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the property at 21 Atwood Street from the Neighborhood Conservation "A" (NCA) District to the Highway Business (HB) District, subject to a conditional agreement, and that the public hearing on the rezoning request be continued to the next regular City Council meeting for final passage. Did Not Pass - Vote 2-4 (Councilors T. Peters and N. Peters in favor, others opposed)

### **PUBLIC HEARING AND ADOPTION OF THE FISCAL YEAR 2009 CAPITAL IMPROVEMENT PROGRAM**

Councilor Reed expressed concerns with the amount of bonding the city is doing, noting the debt service will need to be factored into future budgets. He said the city's indebtedness is climbing at an alarming rate, noting that Auburn has six million dollars in their capital plan. Councilor

Poulin echoed Councilor Reed's comments. He also asked for additional information regarding the funding for LMRC, city buildings, the recycling program and the hydro facility. The Mayor inquired about the Public Works highway funds, the landfill and the stormwater infiltration rehab funds. Councilor Reed noted the city has a lot of debt, yet we still have roads in poor condition. Mr. Bennett stated the city has spent twenty million dollars on roads in the past seven years. Mayor Gilbert opened the public hearing to receive citizen input and comment. Dan Gregoire of 19 Mitchell Street said he was concerned with the money that was removed from the recycling program and wanted to know who decides the amounts to set in the plan. Mayor Gilbert then closed the hearing.

**VOTE (158-2008)**

Motion by Councilor T. Peters , seconded by Councilor Reed:

That pursuant to Article VI, Section 6.07(d) of the City Charter, the City Council hereby adopts the Fiscal Year 2009 Capital Improvement Program, as prepared by the City Administrator and approves the Order to authorize the Bond Resolution to finance the Fiscal Year 2009 Capital Improvement Program projects, in the amount of \$16,416,000:

**CITY COUNCIL BOND RESOLUTION ORDER**

Ordered, that \$16,416,000 be appropriated for financing the following Capital Improvement Programs:

<u>Department</u>	<u>Project</u>	<u>Amount</u>
Economic and Community Development	Libbey Mill Site Stabilization	\$220,000
Fire	Air Handling Unit Replacement	70,000
LMRC	Operating Costs	410,000
	Project Infrastructure	740,000
Public Services	Improvements to City Owned Buildings	420,000
	Island Point Development	1,365,000
Public Works	Street Rehabilitation	1,000,000
	Russell St Traffic Calming and Pedestrian Project	54,000
	Downtown Connector and Turnpike Interchange	165,000

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	DOT Pavement Preservation Project	60,000
	Stormwater Compliance	75,000
	Landfill Expansion	4,000,000
Municipal Sub Total		8,579,000
School	LRTC - Upgrade Restroom Facilities	160,000
	LHS/LRTC Brick Facade Repairs	150,000
	McMahon School - Lighting Replacement	80,000
	Montello School - Lighting Replacement	50,000
	LHS/LRTC - Technology Update	352,000
School Sub-Total		792,000
Water	L/A Water Treatment Program	3,775,000
	Distribution Water Main Replacement/Rehab	1,000,000
Water Sub-Total		4,775,000
Sewer	Goff Brook Drainage Area	875,000
	Pump Stations	60,000
	Interceptor Inspection and Rehab	150,000
Sewer Sub-Total		1,085,000
Storm Water	NPDES PH II Permit	60,000
	Goff Brook Drainage Area	875,000

Hart Brook Water Quality Restoration	100,000
Stormwater Infiltration Rehab Work	150,000
Storm Water Sub-Total	1,185,000
 GRAND TOTAL	 \$16,416,000

Further Ordered, that to meet this appropriation, \$16,416,000 shall be raised by a Public Improvement Bond Issue;

Further Ordered, that the City Council instruct the Finance Director to advertise for bids for \$16,416,000 Public Improvement Bonds; to award the loan, and to employ Edwards, Angell, Palmer and Dodge to furnish the legal option of the same; provided that in the alternative, the Finance Director is authorized to award the loan to the Maine Municipal Bond Bank;

Further Ordered, that the bonds shall be signed by the City Treasurer and Mayor;

Further Ordered, that the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the bonds and of the provisions for the sale thereof shall be determined by the Finance Director; and

Further Ordered, that bonds issued hereunder may be subject to call for redemption on such terms as may be determined by the Finance Director.

Passed - Vote 6-0

At this point, the Council took agenda items 11, 12 and 13 out of order and addressed them at this time.

### **REQUEST FOR USE OF CITY SERVICES FOR THE SIXTEENTH ANNUAL GREAT FALLS BALLOON FESTIVAL**

Michael Theriault, logistics director for the festival, asked for an adjustment to the parking garage conditions, noting they are designated as a 501 C 4 organization, as opposed to a C 3 organization. Councilor Poulin also noted that rather than names of people listed regarding contact people, their titles should be listed instead. It was agreed to incorporate these changes. Councilor Reed noted it is expensive for the city, almost \$15,000, when the festival is held, noting the Council needs to be conscious of the bottom line dollars. Councilor N. Peters noted it is costly, yet the Council appreciates the work that the festival does and it is beneficial for the community.

### **VOTE (159-2008)**

Motion by Councilor Reed, seconded by Councilor Theriault:

To approve the request for the use of city services for the Great Falls Balloon Festival, as outlined in the Council Order:

**LEWISTON CITY COUNCIL ORDER**

**REQUEST FOR USE OF CITY SERVICES  
AUTHORIZATION FOR GREAT FALLS BALLOON FESTIVAL EVENT  
August 15 - 17, 2008**

**ROAD CLOSURES AND POSTINGS:**

Friday, August 15, 5:00pm - Sunday, August 17 7:00pm

Establishment of a one lane wide walking lane on the Longley Bridge (northbound or downstream side) to facilitate pedestrian movement between Festival activity areas in Auburn and Lewiston and for use by Festival logistical vehicles such as golf carts.

Friday, August 15, 12:00pm - Sunday, August 17, 7:00pm

Posted closure of Oxford Street from Cross Street to Chestnut Street, and posted closure of Beech Street, to facilitate safe pedestrian movement and access for festival logistical vehicles.

Sunday, August 17, 11:00am - 12:30pm

Posted closure of Canal Street from Main Street to Chestnut Street for canal rubber duck race. Posted closure of one northbound lane of the Canal Bridge on Main Street for rubber duck race logistical set up.

Saturday, August 16, 10:30am - 12:30pm

Posted closure of Longley Bridge from Auburn into Lewiston, lower Main Street, Lincoln Street from Main Street to Oxford Street, and all of Oxford Street for the 2<sup>nd</sup> Annual Balloon Festival parade. NOTE: Parade path will start on Spring Street in Auburn, onto Court Street, across the Longley Bridge turning onto Lincoln Street, then onto Oxford Street, ending at the intersection of Cedar Street and Oxford Street. The Continental Mill will be used for participant (groups on foot) pick-up.

**OTHER REQUESTS:**

Tuesday, August 12, 8:00am - Monday, August 18, 7:00pm

Authorization to use the property in the area formerly know as Railroad North (the area of the recent construction site of underground drainage tanks) for the location of the carnival, subject to availability and completion and submission of all necessary applications with the Recreation Department. The carnival will arrive on Tuesday, open on Thursday night and run through Sunday night. The carnival will break down and depart on Monday. If this site is not available at the time of the festival, the festival organizers shall work with city staff to find a different location.

Friday, August 15, 12:00pm - Sunday, August 17, 6:00pm

Authorization for the Police to ticket and tow away vehicles not in conformance with posted parking bans.



Permission for the Great Falls Balloon Festival, Inc. to control all food and product vendors, as well as other non-approved activities, on Main Street between Middle Street and Longley Memorial Bridge, on Canal Street from Main Street to Chestnut Street, on Chestnut Street from Canal Street to Oxford Street, and along Lisbon Street from Chestnut to Main Street, Lincoln Street from Main to Cedar Streets, Oxford Street from Cross Street to Cedar Street, North Street, Water Street, and the adjacent area between Cross Canal #1 and the Androscoggin River.

Thursday, August 14, 12 noon - Monday, August 18, 12 noon

Authorization to use Veterans' Memorial Park, the former Libby parking lot and Railroad River Park, subject to availability and completion and submission of applications to the Lewiston Recreation Department, and to control the use, access and security in these areas, subject to the discretion of the Chief of Police or his designees.

**SECURITY:**

The Lewiston Police Department shall be responsible for traffic control, security and crowd control in Lewiston activity areas.

**TRASH REMOVAL:**

Authorization for Public Works to supply two 50 yard dumpsters at Railroad Park and waive the applicable tipping fees.

**LICENSES:**

Fees for the food booths operated by non-profit organizations shall be waived by the City. Licensing fees for a carnival operated by a non-profit organization shall be waived by the City. Licensing fees for use of the parks, for the outdoor entertainment permits, parade permit and sound amplification permits, all obtained in the name of the Great Falls Balloon Festival, shall all be waived by the City.

**USE OF PUBLIC WORKS PERSONNEL:**

Authorization for Public Works personnel to erect (together with Auburn Public Works personnel) food booths in Auburn and Lewiston, and to provide assistance prior to and during the festival, subject to the discretion of the Lewiston Public Works Director.

**PARKING:**

Use of the Bates Mill parking lots that are city owned and/or controlled, the Chestnut Street parking garage, the Canal Street parking garage, parking lot on the corner of Lincoln and Chestnut Streets, the Lincoln Street parking lot near Yvon's car wash, and the parking lot at the corner of Lincoln and Cedar Streets for festival and volunteer parking, as per the requirements and procedures outlined in the City's Facilities Use Policy and submission of appropriate forms to City Administration.

**ADDITIONAL CONDITIONS**

Please see the attached pages for the Additional Conditions for the Festival regarding parking, site clean up and other factors.

Passed - Vote 6-0

**REQUEST FROM THE INDEPENDENCE DAY COMMITTEE FOR USE OF CITY SERVICES FOR LIBERTY FESTIVAL**

It was agreed that the same changes discussed for the Balloon Festival would be applied to the Liberty Festival.

**VOTE (160-2008)**

Motion by Councilor T. Peters, seconded by Councilor Reed:

To approve the request from the Independence Day Committee for the use of city services for the Liberty Festival to be held July 4, 2008, with a rain date of July 5 or 6, 2008, at Veteran's Memorial Park:

**COUNCIL ORDER - AUTHORIZATION FOR LIBERTY FESTIVAL EVENTS REGARDING USE OF CITY SERVICES:**

June 3, 2008 City Council approval

To authorize the following for the Liberty Festival 2008:

- 1) Use of Veterans' Memorial Park and Lower Lot A and B, subject to availability and completion of appropriate forms with the Recreation Department, during July 3rd (set-up), July 4th, and July 5th (tear down). Approval is extended for rain dates of July 5 and 6 if necessary.
- 2) To allow parking in Lower Lots A and B to be by donation, subject to availability and completion of appropriate forms with City Administration.
- 3) The closing of one lane of the Longley Memorial Bridge at 8:00am on July 4, 2008, subject to the discretion of the Chief of Police and his designees.
- 4) The closing of two lanes of the Longley Memorial Bridge from 4:00pm - 11:00pm on July 4, 2008, subject to the discretion of the Chief of Police and his designees.
- 5) The closing of Mill Street from 7:00am - 11:00pm on July 4, 2008 for use for parking for festival organizers, vendors and entertainers, subject to the discretion of the Chief of Police and his designees.
- 6) Use of barriers from Public Works for the closure of the streets, subject to discretion of the Public Works Director and his designees.
- 7) To grant authorization for the Independence Day Committee to allow peddlers and/or vendors, on Main Street, between the Longley Bridge and Canal Street, Lincoln Street between Main Street and Cross Street, and on Mill Street, for the Liberty Festival Celebration from 4:00pm - 11:00pm on July 4, 2008, and to prohibit any peddlers and/or vendors in the defined area who are not authorized by the Independence Day Committee
- 8) Services of the Lewiston Fire Department, at the sole discretion of the Fire Chief and his designees, regarding public safety during fireworks display.

9) Use of a dumpster to be provided by Public Works for placement on Mill Street.

10) Waiver of any fees required by the Police Department and Public Works Department, waiver of any licensing fees for non-profit food booth vendors and waiver of licensing fees for use of the park, outdoor entertainment permit, peddler permit and sound amplification permit if obtained in the name of the IDC.

All of the above approvals are subject to the following conditions:

- 1) Security, satisfactory to the Police Chief, to be provided at the expense of the Independence Day Committee.
- 2) Portable toilet facilities and hand-washing units to be provided during the event, subject to the discretion of the City's Health Officer.
- 3) Area to be kept properly cleaned by the Independence Day Committee.
- 4) Additional Conditions of Festival Approvals from the City Administration Office - see attached pages.

Passed - Vote 6-0

#### **REQUEST FROM THE FESTIVAL FRANCO FUN COMMITTEE TO BORROW TABLES FOR USE DURING THE FESTIVAL**

Mayor Gilbert recused himself from this item, noting he serves on the board of the festival. Councilor Theriault asked about the replacement of the tables due to wear and tear, if they are loaned out for other uses. Mr. Bennett said these are the heavy duty plastic tables and they wear well, not the wooden tables. Recreation Director Maggie Chisholm said they are only loaned out for municipal related functions only.

#### **VOTE (161-2008)**

Motion by Councilor Reed, seconded by Councilor Theriault:

To approve the request from the Festival Franco Fun Committee to borrow tables from the Lewiston Recreation Department for use during the Festival to be held on August 1, 2 and 3, 2008. Passed - Vote 6-0

#### **PUBLIC HEARING ON A PROPOSED INCREASE IN SEWERAGE SYSTEM USE CHARGES**

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing. Mr. Bennett reminded the Council that these increased fees were factored into the budget that was adopted in May, and these fees represent a six percent increase, which is about \$1.30 per month increase for the average residential user.

#### **VOTE (162-2008)**

Motion by Councilor N. Peters, seconded by Councilor Reed:

To accept the recommendations of the Public Works Director, Public Services Director and the City Administrator, and to amend the Sewer System Use Charges as follows:

In accordance with the Code of Ordinances of the City of Lewiston, Chapter 74, Section 74-67, the following rates are hereby established effective July 1, 2008:

**SEWERAGE SYSTEM USE CHARGES  
READY-TO-SERVE RATES**

METER SIZE		RATE	
5/8"	\$	<del>24.00</del>	<u>25.50</u>
3/4"		<del>40.00</del>	<u>42.50</u>
1"		<del>70.50</del>	<u>75.00</u>
1 1/2"		<del>158.50</del>	<u>168.00</u>
2"		<del>283.00</del>	<u>300.00</u>
3"		<del>635.00</del>	<u>673.00</u>
4"		<del>1,130.00</del>	<u>1,198.00</u>
6"		<del>2,543.00</del>	<u>2,696.00</u>
8"		<del>4,520.00</del>	<u>4,790.00</u>

First 800 cubic feet or part thereof, ~~\$1.70~~ 1.80 per 100 cubic feet.

Over 800 cubic feet at ~~\$2.80~~ 2.97 per 100 cubic feet.

Surcharge for B.O.D. concentration above 250 ppm., ~~17.339~~ 18.379 cents per lb. of B.O.D.

Surcharge for suspended solids concentration above 300 ppm., ~~22.454~~ 23.801 cents per lb. of suspended solids.

NOTE: Additions are underlined, deletions are ~~struck out~~.

Passed - Vote 6-0

At 10:00pm, the Council took the following vote:

**VOTE (163-2008)**

Motion by Councilor Poulin, seconded by Councilor Theriault:

To extend the ending time of the meeting from 10:00pm to 10:30pm. Passed - Vote 6-0

**FIRST PASSAGE OF THE FISCAL YEAR 2009 TAX RESOLVE**

**VOTE (164-2008)**

Motion by Councilor Reed, seconded by Councilor Bailey:

That the Tax Resolve instructing the Chief Assessor to raise \$44,356,099.00 to finance the

Fiscal Year 2009 budget have first passage by a roll call vote and that the second reading for final passage be scheduled for the June 17, 2008 Council meeting:

*RESOLVED*, That the Chief Assessor of the City of Lewiston, Maine be ordered to raise by assessment upon estates of residents of the City of Lewiston, and upon estates of non-resident proprietors in said City of Lewiston for the current fiscal year commencing July 1, 2008, the sum of Forty-Four Million Three Hundred Fifty-Six Thousand Ninety-nine Dollars (\$44,356,099) for the payment of the county tax, for ordinary indebtedness and expenses, for interest on the debt of the City of Lewiston, and for the payment of lawful debts and dues of the City of Lewiston.

Appropriation Resolve	\$89,805,301
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LESS:

Estimated Revenues	\$44,284,202	
Prior Years' Surplus	1,165,000	
Total Adjustments		\$45,449,202

Net Appropriation	\$44,356,099
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TAX LEVY:	\$44,356,099
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Interest on Real and Personal Taxes will be charged on all taxes which shall remain unpaid after the respective due dates of September 15, 2008 and March 15, 2009, at the rate of 11.0%.

Any taxpayer who pays an amount in excess of that finally assessed shall be repaid the amount of the overpayment plus interest from the date of overpayment at the rate of 7.0%.

Passed - Vote 6-0

**DISPOSITION OF THE PROPERTY AT 86 GAYTON ROAD AND REVIEW OF THE PLANNING BOARD'S RECOMMENDATION REGARDING THIS ITEM**

The Planning Board voted to recommend that the Council sell the property. Ron Chartier, vice chair of the Board, said they felt if the property was sold back to the owner, it would set a precedent. It was noted the condition of the property is distressed and run down. Councilor Poulin stated he was opposed to the Board's recommendation and he suggested the city make an effort to resolve the issue favorably with the property owner. Mr. Bennett noted the city has only sold about twelve tax acquired properties in the past ten years and these properties were mostly land only. Councilor T. Peters noted the property owner's representative received many notices from the city and never responded and did not make any attempt for a payment arrangement after several years.

**VOTE (165-2008)**

Motion by Councilor T. Peters, seconded by Councilor N. Peters:

To dispose of the tax acquired property at 86 Gayton Road and to authorize the city staff to

proceed with the marketing and sale of the property. Passed - Vote 5-1 (Councilor Poulin opposed)

**AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING OVERNIGHT  
PARKING ON A PORTION OF FRYE STREET**

**VOTE (166-2008)**

Motion by Councilor Reed, seconded by Councilor T. Peters:

To postpone this request until after the workshop on the Bates College Master Plan.

Passed - Vote 6-0

**PRESENTATION REGARDING STORMWATER AND URBAN IMPAIRED STREAMS**

Due to the late hour, it was decided this presentation would be done at a future Council meeting.

**REPORTS AND UPDATES**

No reports or updates were presented at this time.

**OTHER BUSINESS**

No other business was presented at this time.

**VOTE (167-2008)**

Motion by Councilor Theriault, second by Councilor Reed:

To adjourn at 10:29 P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine